

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

THOMAS W. O'CONNOR §
VS. § CIVIL ACTION NO. 1:05cv709
KRISTOPHER MEDINA §

MEMORANDUM OPINION

Plaintiff Thomas W. O'Connor, proceeding *pro se*, filed this civil rights lawsuit.

The court previously entered an order directing plaintiff to either pay the required filing fee or submit an application to proceed *in forma pauperis*. Plaintiff requested and was granted an extension of time, through May 1, 2006, to comply with the court's order. However, plaintiff has not complied with the court's order or otherwise contacted the court.

Federal Rule of Civil Procedure 41(b) authorizes a district court to dismiss an action for failure to prosecute or for failure to comply with any court order. *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998). "This authority [under Rule 41(b)] flows from the court's inherent power to control its docket and prevent undue delays in the disposition of pending cases." *Boudwin v. Graystone Insurance Co., Ltd.*, 756 F.2d 399, 401 (5th Cir. 1985) (citing *Link v. Wabash, R.R. Co.*, 370 U.S. 626, 629 (1962)).

By failing to comply with the court's order, plaintiff has failed to diligently prosecute this case. As a result, this case will be dismissed without prejudice for want of prosecution.

Conclusion

For the reasons set forth above, a final judgment will be entered dismissing this lawsuit. If plaintiff wishes to have this case reinstated on the court's active docket, he may do so by paying the required filing fee or submitting an application to proceed *in forma pauperis* within 30 days of the date set forth below.

SIGNED this the 18 day of May, 2006.



Thad Heartfield
United States District Judge